

REMARKS/ARGUMENTS

The Office Action of May 20, 2004 indicates that no priority document has been received. As stated in the Amendment filed on October 4, 2004, Applicants note that the certified copy of the priority document (Japanese Patent Application No. 2001-299942) was filed on April 22, 2002. Applicants enclose herewith again a copy of the transmittal with a certificate of transmission mailing, the front page of the certified copy of the priority document, and the date-stamped return postcard indicating that the certified copy of the priority document was mailed on April 22, 2002 and received by the U.S. Patent and Trademark Office on May 2, 2002. Accordingly, the foreign priority claim is perfected, and acknowledgement of the same on the patent to be issued is respectfully requested.

In addition, Applicants filed an IDS on July 7, 2004. Attached is a copy of the IDS as filed. Please initial next to the cited references on the attached form 1449A.

CONCLUSION

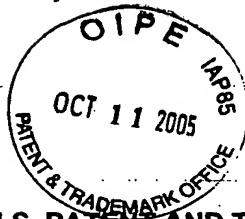
If the Examiner believes a telephone conference would expedite this application, please telephone the undersigned at 650-320-2400.

Respectfully submitted,



Chun-Pok Leung
Reg. No. 41,405

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
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Attachments
RL:rl
60602430 v1



COPY

TO THE U.S. PATENT AND TRADEMARK OFFICE:

Please stamp the date of receipt of the following document(s), and return this card to us.

PA 3216605 v1

Title of Document: Transmittal; 2 Fee Transmittal; Supplemental ADS; Declaration/Power of Attorney; copy Notice; certified copy JP appln.; 2 Recordation Form Cover Sheet; Assignment

Date Due: April 20, 2002

Appl. No.: 10/052,626

Date Mailed: April 22, 2002

File No.: 16869N-040600

Atty/Sec.: RCC:mks

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Date Due: April 20, 2002

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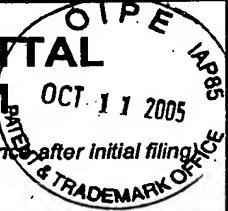
File No.: 16869N-040600

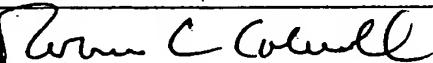
Atty/Sec.: RCC:mks

JUN 21 2002



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| | | |
|---|--|--|
| TRANSMITTAL FORM <small>OCT. 11 2005</small> <small>(to be used for all correspondence after initial filing)</small> | |  COPY |
| | | |
| Total Number of Pages in This Submission | | 10/052,626 |
| | | Filing Date |
| | | First Named Inventor |
| | | Group Art Unit |
| | | Examiner Name |
| | | Attorney Docket Number |

| ENCLOSURES (check all that apply) | | | | |
|--|---|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Assignment Papers <small>(for an Application)</small> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <small>(Appeal Notice, Brief, Reply Brief)</small> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <small>(please identify below):</small> <ol style="list-style-type: none"> 1. Declaration/Power of Atty 2. Copy Notice 3. Supplemental ADS 4. Return Postcard | | |
| | | Remarks <div style="border: 1px solid black; padding: 2px; display: inline-block;"> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. </div> | | |
| | | Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated February 20, 2002, the enclosures listed on this sheet are to be made of record in the above-identified case. | | |
| | | SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| | | Firm and Individual name | Townsend and Townsend and Crew LLP Robert C. Colwell | |
| | | Signature |  | |
| | | Date | April 22, 2002 | |

| CERTIFICATE OF MAILING | | |
|---|--|------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <div style="border: 1px solid black; padding: 2px; display: inline-block; text-align: center;"> April 22, 2002 </div> | | |
| Typed or printed name | Margaret K. Stephan | |
| Signature |  | Date |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3216586 v1

日本国特許庁
JAPAN PATENT OFFICE

COPY

別紙添付の書類に記載されている事項は下記の出願書類に記載されている事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed with this Office

出願年月日

Date of Application:

2001年 9月28日

出願番号

Application Number:

特願2001-299942

出願人

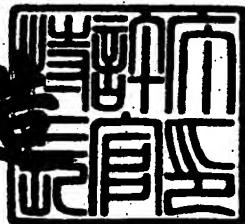
Applicant(s):

日本オプネクスト株式会社

2001年12月21日

特許庁長官
Commissioner,
Japan Patent Office

及川耕造



TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

1/11/2005
U.S. PATENT & TRADEMARK OFFICE

Application Number

10/052,626

Filing Date

January 17, 2002

First Named Inventor

Naoki Matsushima

Art Unit

2877

Examiner Name

H. Lee

COPY

Total Number of Pages in This Submission

Attorney Docket Number

16869N-040600US

ENCLOSURES (Check all that apply)

Fee Transmittal Form
 Fee Attached

Amendment/Reply
 After Final
 Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____

After Allowance Communication to Group
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):
USPTO form SB08A (one page), copies of two cited references, Return Postcard

Remarks

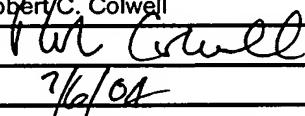
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Townsend and Townsend and Crew LLP
Robert C. Colwell

Reg. No. 27,431

Signature



Date



CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Roger Hylton

Signature



Date

7/7/02



PATENT
Attorney Docket No.: 16869N-040600US
Client Reference No.: NT0487US

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Naoki Matsushima, et al.

Application No.: 10/052,626

Filed: January 17, 2002

For: OPTICAL TRANSMISSION
MODULE

Examiner: H. Lee

Art Unit: 2877

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A are being called to the attention of the Examiner. Copies of the references are enclosed. The enclosed references were cited in an office action dated April 9, 2004 for the corresponding application filed in the State Intellectual Property Office of the People Republic of China, CN02107764.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

CERTIFICATION

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

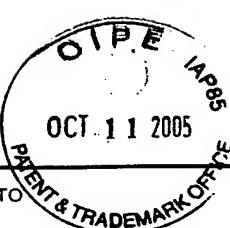
Respectfully submitted,



Robert C. Colwell
Reg. No. 27,431

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Tel: 650-326-2400
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RCC:rmh

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PTO/SB/08A (08-03)

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|---|---|----|---|------------------------|------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | 10/052,626 |
| | | | | Filing Date | January 17, 2002 |
| | | | | First Named Inventor | Naoki Matsushima |
| | | | | Art Unit | 2877 |
| | | | | Examiner Name | H. Lee |
| Sheet | 1 | of | 1 | Attorney Docket Number | 16869N-040600US |

| U.S. PATENT DOCUMENTS+ | | | | | |
|------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number Number Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | 1 | US-4,919,506 | 04-24-1990 | Covey | |
| | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|-----------------------|---------------------------|---|--------------------------------|--|--|-------------------------------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ | Number ⁴ Kind Code ⁵ (if known) | | | | |
| | 2 | CN | 2425366 | 03-28-2001 | Wang Zhong | | <input checked="" type="checkbox"/> |
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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ² Applicant's unique citation designation number (optional). ³ Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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